



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

On March 19, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Stephanie J. Whitehurst

Attorney Docket No.: 20695C-002200US
Client Ref. No.: V-262.00

#6
Election
4/3/03
PATENT

RECEIVED

MAR 27 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KISTNER, *et al.*

Application No.: 10/006,671

Filed: December 10, 2001

For: ENVELOPED VIRUS VACCINE
AND METHOD FOR PRODUCTION

Examiner: Stacy S. Brown

Art Unit: 1645

RESPONSE TO RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to Restriction Requirement mailed February 19, 2003, Applicants elect with traverse, Group I, claims 1-17, drawn to a method of producing a Ross River virus and antigen.

Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions (MPEP §803.01). In establishing that an "undue burden" exists for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search

Application No.: 10/006,671
Page 2

(MPEP §808.02). Applicants respectfully submit that the inventions of the present application can readily be searched without undue burden.

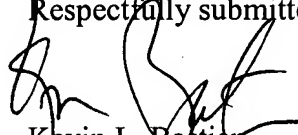
Thus, the foregoing election is made with traverse, because prosecution of the claims of Groups I-IV would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Kevin L. Bastian
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
KLB:ERS
SF 1442439 v1